

**Exemption No. 6846**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**Associated Air Center**

for an exemption from § 25.813 (e) of Title 14,  
Code of Federal Aviation Regulations

**Regulatory Docket No. 29175**

**DENIAL OF EXEMPTION**

By letter 980209, dated March 3, 1998, Mr. William L. Hubbard, Director of Engineering, Associated Air Center, PO Box 540728, Dallas, Texas 75209, petitioned on behalf of Associated Air Center for an exemption from the requirements of § 25.813(e) of Title 14, Code of Federal Aviation Regulations (14 CFR), to permit installation of interior doors between passenger compartments on a Boeing 737-300 airplane.

**The petitioner requests relief from the following regulation:**

Section 25.813(e) prohibits the installation of doors between passenger compartments, occupiable for takeoff and landing.

**Related Sections of the Federal Aviation Regulations (FAR):**

Section 25.813(f) requires that other interior doors, which are in required egress paths, have provision to be fastened open for takeoff and landing, and that the means to fasten the door open must be able to withstand the ultimate inertia forces specified in § 25.561.

**ANM-98-018-E**

**The petitioner's supportive information is as follows:**

**“BACKGROUND**

“Amendment 25-01, dated June 7, 1965, established paragraph FAR 813(e) and (f). Prior to that amendment, the regulation stated, ‘If it is necessary to pass through a doorway to reach any required emergency exit from any seat in the passenger cabin, the door must have a means to latch it in the open position.’ In the guidance material of AC 25-17 for Amendment 25-1, paragraph 412 indicates that doors are permitted on galleys, etc. that are between the main aisles and exit if the door is not between passenger compartments. ‘Doors that open into a main aisle should not be permitted in passenger compartments occupiable for taxi, takeoff or landing, or in passenger compartments with passenger emergency exits. These types of compartments are typically found in ‘executive’ interiors with the main aisle along the sidewall.

“IN PRACTICE, the two paragraphs (e) and (f) were considered to work in unison. The statement was interpreted as no doors that could dislodge from the secured position for landing and cause a blocked exit path for other passengers. This was handled by inward swinging doors that could not block an aisle or by pocket doors. Numerous examples can be cited for non-airline executive configuration with doors.

**“DISCUSSION**

“CFR Part 25 of the Federal Aviation Regulations governs design certification of Transport Category aircraft. The primary intent of these regulations are [is] to assure that the manufacturers of aircraft provide a design configuration that meets the necessary standards to protect the traveling public. Safety is the intent and the focus. The traveling public is involved when the aircraft is used in an airline operation that offers the sale of tickets to the traveling public who pay fares with purchased tickets. The executive configuration is not operated on a ticket sale basis and is not available to the public.

“Further, the rules for Part 25 espouse a design configuration that supports a Part 121 operation. These executive aircraft operate Part 91 and Part 125 modified and are used for personal (corporate) non-revenue operations, which represent differences in operation from revenue generating operations.

“Transport Category Aircraft intended for private use are operated under CFR Part 91 or CFR Part 125. The design rules of FAR 25 are intended to support the stringent operating rules of FAR 121; and consequently, equivalent safety can be obtained with exemption to the rules because of significant operational differences from the typical revenue operation. The differences are as follows:

“1. Passenger capacity of the aircraft is significantly less than an equivalent aircraft in commercial operations. Typically, the capacity is less than 33% of that found in an airline configuration.

“2. Operation is limited to the private use of an individual, corporation or government and is not offered to the public for hire.

“3. Flight and Cabin Crews are highly trained and are familiar with the individual aircraft configuration. These crews fly repetitively on these aircraft.

“4. No unauthorized access is permitted and security limits access to the aircraft.

“5. Passengers fly these aircraft on a repetitive basis and are familiar with the general arrangement.

“6. Interior configurations are more representative of executive offices; and therefore, offer more generous seat pitch and aisle widths than an airline interior.

“If exempted, placards will be installed to require that these doors be locked or latched open during takeoff and landing.

#### **“PETITION**

“We respectfully request the FAA to issue an exemption for the subject aircraft to FAR 25.813(e), Interior Doors Between Passenger Compartments.

“This Petition is required in order to satisfy the operator’s executive requirements. Sliding pocket doors are to be installed in the locations (F.S. 727D+15.00 and F.S. 849.13). These doors meet the requirements of FAR 25.813(f) and can be secured open for takeoff and landing. All other loads criteria have been met including the applicable requirements of FAR 25.301, 25.303, 25.305, 25.307, 25.365, 25.561, 25.571, 25.601, 25.603, 25.605, 25.607, 25.609, 25.611, 25.613, 25.625(a), 25.785, 25.789, 25.813(f).

“The purpose of these doors is to accommodate owner-specified customer interior installations.

#### **“BASIS FOR EXEMPTION**

“The aircraft that is the subject of this petition is a 737-300 which was configured at Associated Air Center, Love Field, Dallas, Texas. The aircraft is configured with 42 seats for takeoff and landing. The aircraft is utilized by a professional sports team for intercity transportation. The configuration accommodates a six-place seating area used by coaches which is to be closed at the forward end at F.S. 727D+15.00 and aft end at F.S. 849.13 by sliding doors. The installation of these doors in this aircraft with its

significantly reduced seating causes no degradation of safety. The occupancy is significantly reduced from the airline configuration and the aisle widths are in excess of minimum requirements.

#### **“IN THE PUBLIC INTEREST**

“The approval of this Petition for Exemption would demonstrate the FAA’s willingness to deal with the issues involved with this exemption and would be in the public’s interest for the following reasons:

“1. There is no degradation of safety involved with this request, and therefore, no detrimental impact to the public at large; and,

“2. Given the expanding market for executive configured Transport Category Aircraft currently taking place and the expectation that the trend will continue for the next 3-5 years, this type of exemption will position U.S. completion centers to effectively compete in an expanded global market; and

“3. U.S. airframe manufacturers will benefit from increased sales and placement of transport aircraft in the corporate aviation marketplace; and

“4. Increased stability and improved financial performance of major completion centers translates to increased orders and stability in numerous other supporting manufacturing organizations; and

“5. Improved financial performance of U.S. owned or operated corporations and increased work force stability translates into continuous and improved tax revenues for all governmental organizations involved; and

“6. Improved financial performance of U.S. owned or operated corporations to continue to invest in new R&D research will allow the U.S. to maintain or improve its competitive position in the world economy.”

A summary of Associated Air Center’s petition was published in the Federal Register on May 5, 1998 (63 FR 24838). No comments were received.

#### **The FAA's analysis/summary is as follows:**

The petitioner has discussed the merits of the petition largely in terms of a general discussion of transport category airplanes intended for “private use.” The applicant further states that private use operations are conducted under part 91 or part 125 of the Federal Aviation Regulations (FAR). Unfortunately, the term private use is not specifically defined in Chapter 1 of Title 14 of the Code of Federal Regulations. For purposes of the FAA analysis, private use is define as operations in which the airplane is

not operated for hire nor offered for common carriage. This is in concert with the applicant's statements noted above that "The executive configuration is not operated on a ticket sale basis and is not available to the public," and, "These executive aircraft . . . are used for personal (corporate) non-revenue operations."

The FAA is currently studying the issue of transport category airplanes operated in private use. There are a number of regulations, including those related to doors installed in the passenger cabin, which may warrant modification when differences between commercial and private use operations are considered. Following the study, the FAA intends to summarize its views on these regulations and, if appropriate, propose modifications to the regulations. The potential proposal may include modifications to the interior door requirements. The study has not been completed, however, and the current petition must be addressed on its own merits against the current requirements.

Regarding the specifics of the configuration in question, the petitioner notes that the airplane is a Boeing 737-300, configured with 42 seats for takeoff and landing, which is utilized by a professional sports team for intercity transportation. An area in the aft section of the cabin has been designated as an owners/coaches area (OCA) and the applicant seeks an exemption to install sliding pocket doors at the forward and aft ends of this area. The OCA is situated between the single pair of overwing Type III exits (at approximately the mid point of the passenger cabin) and the aft pair of floor level Type I exits (at approximately the end of the passenger cabin). Additionally, a rest area, with six takeoff and landing seats, is located aft of the coaches area, but forward of the Type I exits.

Either proposed door, when in the closed position, would totally block the main passenger aisle. If either or both doors were to be inadvertently closed or left closed during an emergency evacuation situation on the ground, occupants within the OCA would be severely hampered, if not thwarted (if the door were to be jammed shut in the closed position by inertia forces resulting from a crash) in their efforts to gain access to an emergency exit. Additionally, passengers in the compartments forward and aft of the OCA would also be significantly impaired in their efforts to reach alternative exits in the event that the exits closest to them were not available.

The petitioner offers that the doors would meet the requirements of § 25.813(f) and "can be secured open for takeoff and landing." The requirements of § 25.813(f) were established to address doors currently allowed to be installed in the interior. These are doors which may be installed between passengers and an exit but not between passenger compartments.

It should be noted that the FAA has expressed concern about any doors installed between passengers and an exit. In Notice of Proposed Rulemaking (NPRM) 96-9, issued July 16, 1996, the FAA proposed to prohibit installations currently allowed by § 25.813(f) for future airplanes. Reasons to support the proposal are documented in the "Discussions"

section of the NPRM. The latching requirements of § 25.813(f) were not considered adequate to allow the installation of doors between passenger compartments, and therefore would not serve as adequate justification to allow such doors in the proposed configuration.

The petitioner's discussion of the public interest in granting this petition is largely based on perceived benefits to U.S. airplane manufacturers and completion centers to produce both airplanes and interiors, if they are able to install doors between passenger compartments. The FAA notes that the regulations are equally applicable to all U.S. and European manufacturers, so currently there is no competitive advantage or disadvantage for either side. The same holds true for any benefits to trade, as any companies competing with U.S. manufacturers are required to follow effectively the same requirements. Any provisions of an airplane not complying with the FAR, but where the airplane is to be exported out of the U.S. and the non-compliant provisions are acceptable to the regulatory authority of the importing nation, can be excepted by that authority.

In summary, while there may be a combination of operational and design considerations which could allow for the installation of an interior door or doors currently prohibited by part 25 of the FAR, the current proposal does not provide a persuasive argument to allow such an installation.

In consideration of the foregoing, I find that a grant of exemption from the requirements of § 25.813(e) is not in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), the petition of Associated Air Center to exempt them from compliance with § 25.813(e) of the Federal Aviation Regulations is denied.

Issued in Renton, Washington, on December 2, 1998

/s/ John W. McGraw  
John W. McGraw  
Acting Manager  
Transport Airplane Directorate  
Aircraft Certification Service, ANM-100